

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action dated December 22, 2009. As explained more fully below, Applicants have amended independent Claims 1, 9, 16, and 23 for clarification and in order to further distinguish the cited references. Several of the dependent claims have been amended for clarification, and Claims 26-39 have been added. In light of the amendments and subsequent remarks, Applicants respectfully requests reconsideration and allowance of the claims.

In the Office Action, the Examiner rejects Claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,929,619 to Fago et al. in view of U.S. Patent No. 5,868,710 to Battiatto et al. or U.S. Patent No. 6,339,718 to Zatezalo et al. and further in view of U.S. Patent No. 5,719,761 to Gatti et al.

Applicants initially note that the Examiner's remarks do not sufficiently address Claims 1-25 (see MPEP §707.07 and 37 C.F.R. §1.104). In fact, the Examiner does not even address several of the claims. With respect to independent Claims 1, 9, 16, and 23, the Examiner only generally states that “[t]he Fago patent discloses an injector ram, a controller, a user interface, and memory including non-volatile memory.” But, the Examiner does not otherwise address the additional recitations of independent Claims 1, 9, 16, and 23 or providing any particular citation to Fago or the remaining cited references. Moreover, the Examiner acknowledges that “Fago does not disclose graphic displays and the use of display formats including different languages. However, the use of these enhancements would have been considered conventional in the art at the time the invention was made in view of the teachings of Battiatto, Zatezalo, and Gatti.” Although the Examiner concedes that Fago does not disclose graphic displays and the use of display formats in different languages, the Examiner does not address the specific recitations of the dependent claims. Because the Examiner has failed to sufficiently address each of the claims in the Office Action, the Examiner's interpretation of these claims and the cited references is unclear. Therefore, Applicants respectfully request that the Examiner submit on the record specific findings as to the construction being applied to the pending claims, an explanation of the

references being cited against the pending claims, and how the cited references disclose the recited features of the pending claims.

In any event, Applicants have amended independent Claims 1, 9, 16, and 23 for clarification and to further distinguish the cited references. In this regard, Claim 1 now recites that the medical device includes a plurality of injector rams each associated with at least one respective syringe, wherein each syringe is operably engaged with the medical device and is configured to contain a media, and the plurality of injector rams are configured to perform a plurality of dispensing functions. Claim 1 has been further amended to recite that the controller device is configured to actuate the plurality of injector rams relative to the at least one respective syringe and that the storage device is configured to receive the user input from the user interface and selectively store the user input such that the plurality of dispensing functions may be performed in response to a single user input. Independent Claims 9, 16, and 23 have been similarly amended. Thus, the claimed invention is configured to perform a plurality of dispensing functions in response to a single user input such as, for example, the initialization of a first injector ram and a second injector ram (see e.g., FIG. 3A and page 16, lines 14-19).

Fago does not disclose a medical device including a plurality of injector rams let alone a medical device that is configured to perform a plurality of dispensing functions in response to a single user input, as recited by independent Claims 1, 9, 16, and 23. Therefore, Applicants submit that none of the cited references, taken alone or in combination, teaches or suggests independent Claims 1, 9, 16, and 23 and that the rejection under 35 U.S.C. §103(a) has been overcome. The remaining dependent claims depend from and further patentably distinguish Claims 1, 9, 16, and 23 and are also allowable for at least those reasons discussed above.

Applicants have also added independent Claims 32 and 36 that include similar recitations as that of independent Claims 1 and 9. For example, Claim 32 alternatively recites that the medical device includes at least one injector ram that is configured to perform a plurality of dispensing functions and that the user interface is configured to receive a plurality of user inputs from a user of the medical device. Claim 32 further recites that the storage device is further configured to receive the user inputs from the user interface and selectively store the user inputs such that the plurality of dispensing functions are configured to be performed based on the

plurality of stored user inputs. For example, the present application discloses that a user may input a plurality of simplified user inputs for performing a plurality of dispensing functions such as, for example, filling the syringe (see e.g., FIG. 3B and page 17, lines 5-31). Applicants respectfully submit that Fago fails to teach or suggest that a plurality of dispensing functions are configured to be performed based on a plurality of stored user inputs, as recited by Claims 32 and 36.

The patentability of the independent claims has been argued as set forth above and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims at a later date if necessary. For example, none of the cited references appears to teach or suggest new Claims 26-31, 33-35, and 37-39.

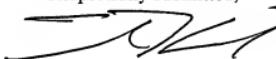
Appl. No.: 11/579,709
Amdt. dated May 20, 2010
Reply to Office Action of December 22, 2009

CONCLUSION

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MAY 20, 2010.